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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,597	05/18/2001	I-Jen Lai	MR929-675	3554
4586	7590	04/26/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			SELBY, GEVELL V	
			ART UNIT	PAPER NUMBER
			2615	
DATE MAILED: 04/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/859,597

Applicant(s)

LAI ET AL.

Examiner

Gevell Selby

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see the amendment, filed 11/12/04, with respect to the rejection(s) of claim(s) 1-3 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Berenz et al, US 6,420,704.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al., US 6,700,613, in view of Berenz et al, US 6,420,704.**

In regard to claim 1, Bryant et al., US 6,700,613, discloses a digital camera with a multi-illuminating source, the digital camera comprising:

a microprocessor (see figure 9, element 66) for providing a trigger signal in one of a flash lamp illumination mode and an infrared illumination mode (see column 6, line 65 to column 7, line 3);

a flash lamp driver (see figure 2, element 62) connected to the microprocessor for receiving the trigger signal in the flash lamp illuminating mode (see column 6, lines 41-46 and column 7, lines 1-3 : It is inherent the flash

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unit is connected to the controller, so that the controller can instruct the flash to illuminate the subject.);

a flash lamp (see figure 9, element 62) connected to the flash lamp driver, wherein the flash lamp driver controls the flash lamp that emits a flashlight signal toward a target (see column 6, lines 41-43: It is inherent that the flash unit has a flash lamp to illuminate the subject.);

an infrared element (see figure 9, element 60) connected to a driver for emitting a series of infrared light signals toward the target (see column 6, lines 39-41);

a charge coupled sensor (see figure 9, element 28 and column 4, lines 24-42) connected to the microprocessor for receiving a reflected signal from the target through a filter (see figure 2, elements 36 and 38 and column 6, lines 10-15) and converting the reflected signal into a digital photo signal, wherein the filter is connected to the charge coupled sensor (see column 5, lines 25-55); and

a memory (see figure 9, element 74 or 76) connected to the charge-coupled sensor for storing the digital photo signal from charge-coupled sensor (see column 7, lines 7-14).

The Bryant reference does not disclose a laser driver connected to the microprocessor for receiving the trigger signal in the infrared illuminating mode, wherein the infrared light signals are pulsed in an alternating series of on and off states and the charged coupled sensor is synchronized to the pulsed series of infrared light signals.

Berenz et al, US 6,420,704, teaches an approach to near-infrared sensors with illumination is to use a pulsed laser diode as an illuminator and to gate the CCD camera shutter synchronously with the laser pulses (see column 2, lines 56-60). This approach has several advantages, including an achievement of 4 times higher peak optical power (see column 2, lines 61-65).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Bryant et al., US 6,700,613, in view of Berenz et al, US 6,420,704, to have a laser driver connected to the microprocessor for receiving the trigger signal in the infrared illuminating mode, wherein the infrared light signals are pulsed in an alternating series of on and off states and the charged coupled sensor is synchronized to the pulsed series of infrared light signals, in order to achieve a 4 times higher peak optical power.

In regard to claim 2, Bryant et al., US 6,700,613, in view of Berenz et al, US 6,420,704, discloses the digital camera with a multi-illuminating source as claimed in claim 1. Berenz et al, US 6,420,704, discloses that the infrared element is an infrared laser diode (IR LD) (see column 2, lines 56-60).

**3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant et al., US 6,700,613, in view of Berenz et al, US 6,420,704, as applied to claim 1 above, and further in view of Tranchita et al., US 5,739,847.**

In regard to claim 3, Bryant et al., US 6,700,613, in view of Berenz et al, US 6,420,704, discloses the digital camera with a multi-illuminating source as claimed in claim 1. Neither reference discloses that the infrared element is an infrared LED.

Tranchita et al., US 5,739,847, discloses an electronic surveillance camera that uses infrared radiation from a light source such as a laser diode or LEDs to illuminate a desired field of view (see column 2, lines 30-37 and 62-64). Transistor switches are selectively controlled to provide different operating voltages that drive the light source to provide varying intensities of illumination (see column 2, lines 43-50).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Bryant et al., US 6,700,613, in view of Berenz et al, US 6,420,704, and further in view of Tranchita et al., US 5,739,847 to have the infrared element be an infrared LED, in order to provide adequate illumination to record distinguishable features of a person in even the most dimly lit conditions as taught by Tranchita (see column 2, lines 64-67).

#### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

  
TUAN HO  
PRIMARY EXAMINER

<b>Notice of References Cited</b>	Application/Control No. 09/859,597	Applicant(s)/Patent Under Reexamination LAI ET AL.	
	Examiner Gevell Selby	Art Unit 2615	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,420,704	07-2002	Berenz et al.	250/330
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.